

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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In the Matter of )  
City Signal Communications, Inc., )  
Petitioner )  
v. )  
City of Cleveland Heights, )  
Defendant )

CS Docket No. 00-253

In the Matter of )  
City Signal Communications, Inc., )  
Petitioner )  
v. )  
City of Wickliffe, )  
Defendant )

CS Docket No. 00-254

In the Matter of )  
City Signal Communications, Inc., )  
Petitioner )  
v. )  
City of Pepper Pike, )  
Defendant )

CS Docket No. 00-255

Reply  
Comments of the City of Trenton  
In Response to Comments of  
Metromedia Fiber network Services  
Of January 30, 2001

The City of Trenton New Jersey (Trenton) joins other outraged and flabbergasted local governments who have dealt with Metromedia Fiber Network Services (MFNS) in opposing the statements of MFNS contained in its January 30, 2001 filing, CS Docket Nos. 00-253, 254, and 255. As has been stated previously, our reading of those comments indicates that, at least as to

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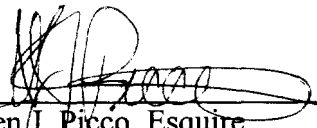
Trenton, MFNS is making statements which seek to mislead the Federal Communications Commission (Commission) in its review of the underlying petition. In support of its allegation of unfair and illegal treatment at the hands of various local governments, MFNS lists as an example a municipal ordinance of the City of Trenton establishing a \$25.00 per linear foot fiber installation charge. While it is true on its face, what MFNS has failed to disclose is that the per linear foot amount reflects a present value calculation of fee or in-kind service which is based on MFNS's suggested formula, and written in conjunction with MFNS. The City's almost yearlong negotiation with MFNS was based upon MFNS's own calculation of installing 7,000 linear feet in Trenton. We had an agreement with MFNS, and at the eleventh hour, due to their own internal miscommunications, they realized that they would need to install 40,000 linear feet. In addition, at several points during our meetings with the MFNS, we disputed MFNS's calculation of per foot installation cost, and we informed MFNS that independent bids for this exact service resulted in costs far lower on a per linear foot basis than those claimed by MFNS as its actual installation costs without profit. The number quoted is thus totally due to MFNS's apparent inability to properly understand the mathematics of its own installation, rather than any attempt by Trenton to exact some sort of special price from MFNS.

For the Commission's information, this was only one of a series of such apparent miscommunications by MFNS. During the course of several months of discussions with MFNS, we were never able to get a final plan of alignment for the activity MFNS wished to undertake in our city, MFNS was never able to provide definitive maps regarding proposed locations of service, there was a constant changing of personnel, both legal and otherwise, who met with the Trenton, and MFNS communicated a sense of considerable internal lack of sophistication and disarray not only regarding the negotiation process itself, but the actual specifics of the project it wished to undertake in our city.

In light of MFNS's negotiating performance, especially when read in the context of the statements they have submitted to the Commission, it is very easy to leap to the conclusion that the entire negotiation with the City of Trenton was a sham intended to generate the kind of ordinance now being cited as the basis for a claim of relief to the Commission. In light of this filing, the City of Trenton has no recourse by to question the underlying good faith of MFNS during the negotiations, as well as its overall competence to implement such a project in the first place.

We strongly suggest that any factual assertion by MFNS be viewed by the Commission with deep skepticism, and be subjected to the full power of examination that the Commission possesses.

Respectfully submitted,

  
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Dated: 4/4/01

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# CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing REPLY COMMENTS OF THE CITY OF TRENTON IN RESPONSE TO COMMENTS OF METROMEDIA FIBER NETWORK SERVICES of JANUARY 30, 2001 were served via First Class mail postage paid on this 4th day of APRIL, 2001, on the following:

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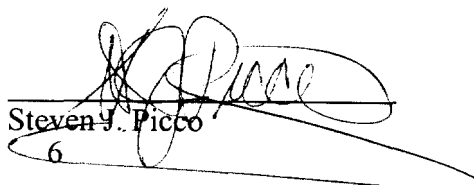
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